



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Crump Associates

**File:** B-247815

**Date:** July 6, 1992

David A. LeClere, Esq., Duplochain, LeClere & Martin, for the protester,  
Marvin D. Manlove and Susan J. Mosby for Calcara Duffendack Foss Manlove Inc., an interested party,  
Dennis Mullins, Esq., and Samuel E. Skare, Esq., General Services Administration, for the agency,  
Daniel I. Gordon, Esq., and Paul Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

### DIGEST

1. Protest challenging award to firm which submitted a higher priced, higher rated technical proposal is denied where the solicitation's evaluation criteria provide that technical factors are more important than price, and the agency reasonably determined that the technical superiority of the higher priced offer outweighed the cost difference.
2. Allegation that written discussions were not meaningful is denied where the discussions alerted the protester to all of the agency's concerns in considerable detail.
3. Protest challenging the agency's technical evaluation is denied where the record shows that the evaluation was reasonable and consistent with the solicitation's evaluation criteria.

### DECISION

Crump Associates protests the proposed award to Calcara Duffendack Foss Manlove Inc. (CDFM) of a contract under request for proposals (RFP) No. GS-06P-91-GXD-0078, issued by the General Services Administration (GSA). Crump asserts, in essence, that it should have been awarded the contract because it submitted the lowest cost, technically acceptable proposal. Crump also challenges certain aspects of the technical evaluation and negotiations regarding its proposal.

We deny the protest.

The RFP was issued by GSA on July 22, 1991, for space planning services for GSA Region 6. The procurement, a total small business set-aside, contemplated an indefinite quantity contract for a base year with four 1-year options. Section M of the RFP states that price is less important than the combined weight of three technical evaluation factors (organizational qualifications, sample work, and recent relevant projects). The RFP also states that the more nearly equal proposals are in the technical evaluation, the more weight price will be given in source selection.

Sixteen firms submitted proposals, of which six, including Crump and CDFM, were determined to be in the competitive range. Written discussions were held in the form of letters stating deficiencies that the agency evaluators identified in each proposal. The letter sent to Crump named the following deficiencies:

"A weak narrative of technical resources and computer utilization was submitted in your offer.

"Sample work offered was relatively superficial merely listing basic services performed as shown in the RFP.

"Narrative for the sample work was very weak. The sample color board consisted only of flooring material and associated cove base selections.

"Milestones lacked detail and were relatively simplistic showing no CPM capacity. The time frame discussion vaguely implied that the fast track project time frame was met."

The letter also identified one "major deficiency," the lack of an indication in Crump's proposal that the offeror would comply with the RFP's requirement that an office be established in Kansas City, and requested that Crump review "all elements of the contract" because the proposed price appeared to the agency to represent "a less than full comprehension of the level-of-effort required for this contract." Finally, the letter invited Crump to submit a best and final offer (BAFO).

In its evaluation of Crump's BAFO, the agency took into account certain changes that Crump made in its proposal, but the evaluators determined that most of the weaknesses identified in the written discussions had not been adequately addressed in the BAFO. As a result, the agency continued to consider Crump's narrative of its technical resources and computer utilization as weak; the sample work offered was still deemed "relatively superficial in that it merely listed basic services performed as shown in the RFP";

the narrative for the sample work was considered very weak; the sample color board contained very limited selections of coordinated color and texture and had no fabric selections; and milestones and time frame narratives, although expanded in the BAFO, remained weak relative to the RFP requirements. The evaluators continued to view the main strength of Crump's proposal as the recent performance of relevant work in GSA Region 7.

As a result of the BAFO evaluations, Crump's proposal received the lowest technical score among the six BAFOs received; however, Crump's price was also the lowest of the six. Based on a review of the proposals and the evaluation documents, the source selection authority (SSA) performed a cost/technical tradeoff, which is fully documented in the record. In the cost/technical tradeoff, the SSA decided to award to CDFM, whose proposal was ranked highest technically and whose price was in the middle of the field.

Crump raises various objections to the written discussions, the evaluation of its technical proposal, and the cost/technical tradeoff. With regard to the discussions, Crump claims not to have been told of the agency's concerns or of the weight that would be attached to those concerns. According to Crump, the evaluators also acted improperly by filling out individual score sheets for each initial proposal and then changing methods to collectively fill out only one score sheet for each BAFO.

The protester also disputes specific aspects of the evaluation of its technical proposal. It claims that the agency failed to give it credit for its performance in GSA's Region 7. In response to the agency's criticism about Crump's weak description of computer applications and utilization, Crump argues that the RFP did not request data concerning specific computer applications and utilization. Crump also challenges the agency's finding that Crump's sample work was superficial and its milestones lacked detail; Crump contends that no detailed information had been requested. Where the agency criticized Crump for having only a very limited choice of material with the sample color board, Crump responds that the photograph involved was provided for only a specific purpose and was not intended as a representative sample of available choices.

Crump further contends that the agency improperly favored CDFM merely because that company was the incumbent. Crump also alleges that the agency significantly raised CDFM's score in response to that company's BAFO, but added only a few points to Crump's score based on Crump's BAFO.

The crux of Crump's protest is its objection to GSA's selection of a higher priced, higher rated technical proposal rather than a less expensive, technically acceptable proposal. Crump's challenge to the source selection is without merit. Where, as here, the evaluation criteria state that technical factors are more important than price, agencies are not required to award to the low cost, technically acceptable proposal. Henry H. Hackett & Sons, B-237181, Feb. 1, 1990, 90-1 CPD ¶ 136. Agency officials have broad discretion in performing cost/technical tradeoffs, and the extent to which one may be sacrificed for the other is governed only by the test of rationality and consistency with the established evaluation factors. Grey Advertising, Inc., 55 Comp. Gen. 1111 (1976), 76-1 CPD ¶ 325. Award may be made to a higher rated, higher priced offeror where the decision is consistent with the evaluation factors and the agency reasonably determines that the technical superiority of the higher priced offer outweighs the cost difference. See Sabreliner Corp., B-242023; B-242023.2, Mar. 25, 1991, 91-1 CPD ¶ 326.

Here, the RFP provided that technical factors were more important than price, and the record shows that CDFM's proposal was consistently rated significantly higher than Crump's. The SSA specifically considered the savings that could be achieved by awarding to a lower cost proposal such as Crump's and determined that the technical superiority of CDFM's proposal was worth the difference in price. That is, giving due weight to the RFP's ranking of technical over price, the SSA determined that Crump's price advantage did not justify sacrificing the perceived technical advantages of CDFM's proposal. While Crump disagrees with the SSA's choice, it has not shown that the cost/technical tradeoff was unreasonable or inconsistent with the RFP's evaluation criteria. We therefore deny this ground of protest.

The protester's challenge to the discussions is also without merit. Generally, the requirement for discussions with offerors is satisfied by advising them of weaknesses, excesses, or deficiencies in their proposal, and by affording them the opportunity to satisfy the government's requirements through the submission of a revised proposal. Federal Acquisition Regulation §§ 15.610(2), (5); Miller Bldg. Corp., B-245488, Jan. 3, 1992, 92-1 CPD ¶ 21. Agencies are not obligated to afford offerors all-encompassing discussions, or to discuss every element of a technically acceptable proposal that has received less than the maximum possible score. Instrument Control Serv., Inc., B-247286, Apr. 30, 1992, 92-1 CPD ¶ 407. The agency's written discussions alerted Crump to all of the agency's concerns in considerable detail; those discussions were therefore adequate. Having received the discussion letter,

Crump has no basis to argue that it was unaware of the importance that the agency attached to the various points of criticism.

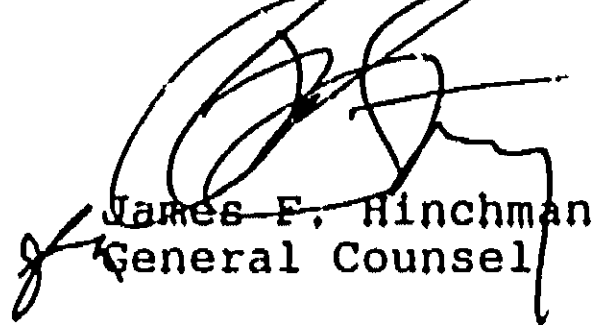
The specific challenges to the technical evaluation are also without merit. In reviewing a protest against the propriety of an agency's evaluation of proposals, it is not the function of our Office to independently evaluate proposals and to substitute our judgment for that of the agency. Research Analysis and Maintenance, Inc., B-242836.4, Oct. 29, 1991, 91-2 CPD ¶ 387. The evaluation of proposals is a matter within the discretion of the procuring agency, since it is responsible for defining its needs and for deciding on the best methods of accommodating them. Abt Assocs., Inc., B-237060.2, Feb. 26, 1990, 90-1 CPD ¶ 223. We will question the agency's technical evaluation only where the record shows that the evaluation does not have a reasonable basis or is inconsistent with the evaluation criteria listed in the RFP, Research Analysis and Maintenance, Inc., supra. The fact that the protester disagrees with the agency does not itself render the evaluation unreasonable. E3CO, Inc., 66 Comp. Gen. 404 (1987), 87-1 CPD ¶ 450.

Here, we find no basis to question the agency's evaluation of Crump's proposal with respect to either the substance or the procedure. There is nothing improper in evaluators' scoring initial proposals separately but drafting a collective score sheet for each BAFO. As to the substance of the evaluators' criticism, Crump has not shown that the evaluation was unreasonable or inconsistent with the solicitation's evaluation criteria. Instead, Crump is merely disagreeing with the technical judgment of the agency; that disagreement does not justify sustaining a protest.

The record also provides no support for Crump's allegation that GSA improperly favored CDFM during evaluation of proposals. The record contains a reasoned explanation for the scoring of each proposal at every stage. While it is true that CDFM received high marks for its performance on

the predecessor contract, that is no different in kind from the significant credit that the agency gave Crump for its performance in GSA's Region 7.<sup>1</sup>

The protest is denied.



James F. Hinchman  
General Counsel

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<sup>1</sup>Crump also alleges that CDFM may have been told before BAFOs were submitted that some offerors had proposed lower prices than CDFM in their initial proposals. However, Crump provides no support for this allegation, which could reflect nothing more than the agency telling CDFM during discussions that its prices appeared high, from which CDFM may have inferred that competitors were offering lower prices. In any event, this allegation is untimely, since it is based on information known to Crump since December 17, 1991, but was first raised in Crump's April 30, 1992, comments on the agency report.